

Application No. 10/823,294  
Amendment dated June 13, 2007  
Reply to Office Action of May 14, 2007

Docket No.: 022116.0102PTUS

### REMARKS

Claims 1 – 79, 84 – 86, and 95 – 99 are pending in this application.

In an Office Action mailed May 14, 2007, the Examiner has made a second restriction requirement to either the claims of Group I, i.e., claims 1 – 23 and 32 – 36, which are drawn to methods for the determination of the presence of a target microorganism based on the introduction to a sample [of] an amount of phage below a detection threshold, and determination of the presence of the microorganism based on the presence or absence of a detectable amount of phage or phage associated substance in the sample; the claims of Group II, i.e., claims 52, 59 – 61, 71, 72, and 74 – 79, which are drawn to methods for the detection of a microorganism based on the introduction to a sample [of] a tagged parent phage which is removed, and the subsequent determination as to the presence of progeny phage or a progeny phage associated substance; or the claims of Group III, i.e., claims 24 – 31, which are drawn to a combination of the methods of Groups I and II. Applicants elect the claims of Group I, i.e., claims 1 – 23 and 32 – 36, along with the linking claims 37 – 51, 53 – 58, 62 – 70, 73, 84 – 86, and 95 – 99. Therefore, the claims of Groups II and III, i.e., claims 52, 59 – 61, 71, 72, 74 – 79, and 24 – 31 have been canceled.

In Section 5, the Examiner has also required the election of certain species. Applicants elect the following species: a) Methods involving detection of the progeny phage; b) Methods wherein the infected microorganism is lysed naturally through phage multiplication; c) A mode of detection involving a lateral flow strip; and d) A form of genetic modification wherein bacteriophage is genetically modified to over-express a detectable biomarker (Claim 34). Therefore, claims to the non-elected species, i.e., claims 8 – 12, 16, 17, 33, 35, and 36 have been withdrawn. Applicants request that these claims be considered upon the allowance of a generic claim.

*(THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK)*

**RECEIVED**  
**CENTRAL FAX CENTER**

**JUN 14 2007**

Application No. 10/823,294  
Amendment dated June 13, 2007  
Reply to Office Action of May 14, 2007

Docket No.: 022116.0102PTUS

In view of the above amendments and remarks, Applicants believe the pending application is in condition for allowance. Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-1848, under Order No. 022116.0102PTUS from which the undersigned is authorized to draw.

Respectfully submitted,  
**PATTON BOGGS LLP**

Dated: 6/14/07

By: 

Carl A. Forest

Registration No.: 28,494

(303) 894-6114

(303) 894-9239 (Fax)

Attorney for Applicants

**Customer No. 24283**